

Appl. No. 10/662,644
Atty. Docket No. 8170XR
Amdt. Dated September 15, 2005
Reply to Office Action of September 7, 2005
Customer No. 27752

REMARKS AND INTERVIEW SUMMARY

Claims 1 - 20 are pending in the present application.

The examiner has withdrawn claims 18-20 from consideration.

Claims 1, 2, 5 and 15 were amended such that Claim 1 and the claims depending therefrom require the presence of an enzyme. Claim 5 was amended to include all of the limitations of intervening Claim 1 as such claim was originally presented.

In the September 7, 2005, Office Action, the examiner wrote that Claims 3 and 5 were objected to as being dependent from a rejected base claim but would be allowable if rewritten in independent form including all the limitations of any base claim. The reasons for the notice of such allowable subject matter can be found in the such office action. Applicants further contend that, in addition to such reasons, the surfactant limitations of Claim 2 support the patentability of Claim 2 and the claims depending there from.

On September 14, 2005, Applicants attorney discussed the present case with the examiner via telephone and the examiner agreed that the amendments to Claims 1-17 would put Claims 1-17 into allowable form.

RESTRICTION REQUIREMENT

I. Election With Traverse

Applicants affirm the provisional election of Group I and their traversal of the restriction requirement.

II. Basis For Traverse

According to MPEP § 803, a restriction requirement between patentably distinct inventions is only proper when

- 1.) The inventions are independent or distinct; and
- 2.) There is a serious burden on the Examiner if restriction is not required.

A rebuttable prima facia showing of a serious burden can be made if the Examiner shows by appropriate explanation either separate classification, status in the art, or a different field of search as defined in MPEP § 808.02.

Applicants respectfully contend that there is no undue burden as an art search for any of Groups I-III would be expected to yield the art that is pertinent to the patentability of each of

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Groups I-III and, according to the office action, the groups of claims have the same class and subclass. As a result of the foregoing, Applicants respectfully request that the present restriction requirement be withdrawn.

CLAIM OBJECTIONS

Claims 3 and 5 are objected to as being dependent from a rejected base claim but would be allowable if rewritten in independent form including all the limitations of any base claim. Claim 1 has been amended to require the presence of an enzyme and, as Claim 3 depends from Claim 1, Applicants contend that Claim 3 is patentable. Claim 5 was amended to include all of the limitations of intervening Claim 1 as such claim was originally presented. Thus Applicants contend that Claim 5 and the claims depending there from are patentable.

REJECTION UNDER 35 USC 102(b)

Claims 1 and 7 stand rejected under 35 USC 102(b) in based on Brown et al. (J. Med. Chem., 1985, 28, 143-146). Applicants contend that the amendments to the claims obviate such rejection as Claim 1 has been amended to require an enzyme and Claim 7 depends indirectly from Claim 1.

REJECTION UNDER 35 USC 103(a)

Claims 2, 4, 6, and 8-17 stand rejected under 35 USC 103(a) in view of Brown et al. (J. Med. Chem., 1985, 28, 143-146). Applicants contend that the amendments to the claims obviate such rejection as Claim 1 has been amended to require an enzyme and Claim 6 depends directly from Claim 5.

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CONCLUSION

Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of the claims presented herein.

Respectfully submitted,

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